

1 Ronald Wilcox, Esq., State Bar No. 176601
 2 1900 The Alameda, Suite 530
 3 San Jose, CA 95126
 4 Tel: (408) 296-0400
 5 Fax: (408) 296-0486
ronaldwilcox@post.harvard.edu

6 Paul Nathan, Esq., Bar No. 262697
 7 The Law Offices of Paul Nathan, P.C.
 8 540 Pacific Ave.,
 9 San Francisco, CA
 10 Tel: (415) 341-1144
paulnathan@nathanlawoffices.com

11 ATTORNEYS FOR PLAINTIFF

12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONNA GARCIA, vs. RESURGENT CAPITAL L.P., LVNV FUNDING, LLC, THE BRACHFELD LAW GROUP, P.C., Defendants.	CIV. NO. 11-1253 EMC RONALD WILCOX DECLARATION IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT (Doc# 79 and 80) HON. EDWARD CHEN Date: March 23, 2012
--	--

21 I, Ronald Wilcox, declare:

22 1. I am an attorney duly licensed to practice in this district court and before all courts of the State
 23 of California. I am counsel for Plaintiff Donna Garcia.

24 2. I make this declaration in support of Opposition to Defendants' Motions for Summary
 25 Judgment (Docket #79 and 80). I have personal knowledge of the facts set forth below, and if
 26 called as a witness, I could and would testify competently thereto.

- 1 3. Attached is a true and correct copies of a portion of Brachfeld Law Group, P.C.'s Corporate
- 2 Designee's (John Birdt) deposition transcript. **Exhibit 1**.
- 3 4. Attached is a true and correct copies of a portion of LVNV Funding LLC and Resurgent
- 4 Capital Services, L.P. Corporate Desginee's (Jean Paul Torres) deposition transcript. **Exhibit 2**.
- 5 5. Attached is a true and correct copy of the State of Maryland's press release and cease and desist
- 6 order to LVNV and Resurgent to cease collecting debts in the State of Maryland. **Exhibit 3**.
- 7 6. Attached is a true and correct copy if a New York Times article detailing lawsuits against
- 8 Brachfeld for unlawful collection practices. **Exhibit 4**.
- 9 7. Attached is a true and correct copy of an article explaining California's efforts to change
- 10 collections laws as a result of Brachfeld's unlawful collection practices towards a California
- 11 senator. **Exhibit 5**.
- 12 8. Attached are true and correct copies of a portion of Plaintiff Donna Garcia's deposition
- 13 transcript. **Exhibit 6**.
- 14 9. Attached are true and correct copies of a portion of Live Vox, Inc. Corporate Desginee's
- 15 (Michael Leraris) deposition transcript. **Exhibit 7**.
- 16 10. Attached is a true and correct copy of documents Defendants produced in discovery, which are
- 17 Brachfeld's collection logs, which they call their "paperless notes." **Exhibit 8**.
- 18 11. Attached are true and correct copies of collection agreement between Brahfeld Law Group,
- 19 P.C. and Resurgent Capital Services, L.P. [*To be filed under seal*]. **Exhibit 9**.

23
24 I declare under penalty of perjury that the foregoing is true and correct. Executed at San Jose,
25 California, on January 29, 2009.

26
27 /s/Ronald Wilcox
Ronald Wilcox